

Requesting Advanced Notice of Aerial Applications of Pesticides

Wis. Adm. Code s. ATCP 29.53(2)

Copy/paste the example text into a new document or delete this header and type into this form.

Suggestion - Keep a copy of this letter and it's transmittal for your records.

Date: [Month/Day/Year]

To: [Name of person who owns and/or controls (i.e. farms) the application site]

From: [Name of Person Requesting Advance Notice]

RE: Requesting Advance Notice of Aerial Pesticide Applications for [Year]

I am requesting advanced notice of any aerial pesticide* application(s) made to any parcel owned and/or operated by you that is adjacent to my residence located in [County, State]. This request is made according to the guidelines established in Wis. Adm. Code s. ATCP 29.53(2). (Statutory text included)

Please provide advanced notice of intended aerial pesticide applications made adjacent to the following:

- [Mailing Address]
- [Legal Address]
- [Telephone Number]
- [Email (if desired)]

According to ATCP 29.53(2), the notice may be written or oral, it must be provided at least 24 hours before the application occurs, and it shall include:

- The intended date and time of application
- Brand or common name of the pesticide to be applied
- The location of the application site

If the pesticide application date changes after you notify me, you must contact me with the new date of application before the application occurs.

The best way to contact me is [insert method e.g. phone, email.]

Thank you for your time and cooperation,

[Name of Requestor]

* The term pesticide includes insecticides, herbicides, fungicides and other substances designed or intended for use in preventing, destroying, repelling or mitigating any pest, or as a plant regulator, defoliant or desiccant (as defined by Wis. Stats 94.67(25)).

ATCP 29.53 Aerial applications.

(1) AIRCRAFT. Aircraft used to apply pesticides shall comply with, and be operated according to, applicable regulations of the federal aviation administration and the Wisconsin department of transportation.

Note: See certification requirements for aerial applicators under ss. [ATCP 29.26](#), [29.27](#) and [29.29](#).

(2) PRIOR NOTICE OF APPLICATION.

(a) At least 24 hours before an aerial pesticide application occurs, the person who owns or controls the application site shall notify each adjacent resident from whom that person has received a written request under par. [\(b\)](#) during the same calendar year. Notice is not required if the application site is more than 1/4 mile from the adjacent parcel on which the requester resides.

(b) An individual residing on a parcel of land may request advance notice of aerial pesticide applications to any immediately adjacent parcel. Parcels are immediately adjacent if they are directly contiguous, are separated only by a road, railway, or utility right-of-way, or are separated only by a government-owned land corridor or waterway having a width of not more than 66 feet.

(c) A request under par. [\(b\)](#) shall be made in writing to the person who owns or controls the application site. The request shall include the requester's name, mailing address, property location, and telephone number if any. If residents of a migrant labor camp as defined under s. [103.90 \(3\)](#), Stats., are entitled to request notice under par. [\(b\)](#), the camp operator shall annually request notice on their behalf and shall promptly communicate to them any notice received.

(d) A notice under par. [\(a\)](#) may be written or oral. The notice shall include the intended date and time of application, the brand or common name of the pesticide to be applied, and the location of the application site. If the application date changes after the notice is issued, the person who owns or controls the application site shall issue a corrected notice as soon as reasonably possible before the application occurs.

(e) Paragraph [\(a\)](#) does not apply to an emergency aerial application needed to control a sudden pest outbreak if, because of the emergency circumstances, there is inadequate time for notice under par. [\(a\)](#). The person who owns or controls the application site shall give notice under par. [\(a\)](#) as soon as reasonably possible before or after the emergency application. The notice shall include a brief explanation of the circumstances constituting the emergency.

(f) Any person may give a notice under par. [\(a\)](#) on behalf of the person who owns or controls the application site.

History: Cr. [Register, May, 1998, No. 509](#), eff. 6-1-98.